لا إله إلا الله محمد رسول الله

إن الدين عند الله الإسلام

THE

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OF RELIGIONS

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EDITOR
M. G. AHMAD

THE AHMADIYYA MOVEMENT

HAZRAT MIRZA GHULAM AHMAD, was born in 1835 in Qadian, a village in India. In the eighties of the 19th century, he was called to the office of World Reformer to combat the false Religious Philosopies and to explode the Christian theory of redemption based on the fiction of Christ's death on the Cross and to tell the Christians and Muslims to call off their hope for a second visit from Christ as he had been gathered to his fore-fathers and barred like all mortals from coming back to the world.

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He initiated the Ahmadiyya Movement, to revive faith in God, challenging rival churches to a spiritual contest to seek Divine sanction for the Religion He favoured, through prayer and appeal to Him for guidance and arbitration in the matter by means of His signs, to expound and disseminate spiritual beauties and moral excellence of the teachings of the Holy Quran, to wean men from war-like tendenies and to educate world opinion in favour of renunciation of war as a means of settling disputes, to infuse hope, faith and courage in the drooping hearts of all the depressed races and nations of the world, to warn the exploiters, slave-drivers and pedlars in sin against the evil consequences for their evil ways, to collect under one banner all the true lovers of peace and to inculcate among them the spirit of tolerance, good-will and selfless fellow-service and a feeling of true brotherhood.

He passed away in 1908 and was succeeded by his foremost votary and closest companion, Hazrat Hafiz Haji Hakim Maulvi Noor-ud-Din. After his death in 1914, Hazrat Haji Mirza Bashir-ud-Din Mahmud Ahmad, was chosen as Head of the Movement. During his 52 years long leadership, he organized a world-girdling chain of mosques and missions. On his death on November 8, 1965 the electoral college named with one accord, Sahibzada Mirza Nasir Ahmad as Head of the Ahmadiyya Movement.

For further information about the Movement, its activities, aims, objectives and literature, enquires may be addressed to the nearest Ahmadiyya Mission or direct to :

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The Review of Religions

A MONTHLY MAGAZINE

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It is open to all for discussing problems vital to the religious and spiritual welfare of man, but it does not give any assurance to publish all articles received by the Editor, nor does it accept responsibility for views expressed by contributors.

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THE REVIEW OF RELIGIONS

RABWAH, PAKISTAN

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كل من عليها فان

ويبقى وجه ربك ذوالجلال والاكرام

It is with the deepest sense of shock and grief that we place on record the sad demise of Hazrat Syeda Mansoora Begum, the respected spouse and life-long companion of our august master Syedna Hazoor, the revered Imam and Head of the Ahmadiyya Community.

انا لله و انا اليه راجعون

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She fell ill of an acute kidney trouble on the night of November 23, 1981. Through God's grace all possible aid that modern medicine can provide was made available. In addition to the local physicians, specialists from Lahore, Rawalpindi and Karachi were rushed to Rabwah to try their human best to save her life. But Allah's will was done and she passed away on the evening of December 3, 1981 at 8.35 p.m. and was laid to rest in Bahishti Maqbara, the following evening at 5 p.m. The Janaza prayers were led by our beloved Imam at 4 p.m. in the vast compound of the Maqbara where Ahmadis from all over Pakistan had gathered in large numbers to offer the funeral prayers.

The eldest daughter of Hazrat Syeda Nawab Mubaraka

Begum and Nawab Muhammad Ali Khan of Maler Kotla, she was born on September 27, 1911. She was married to Syedna Hazoor on August 5, 1934, at Malerkotla and had the distinction of being the first daughter-in-law of Hazrat Musleh Maood. In addition to her illustrious husband, our Master the Imam and head of Ahmadiyya Community (may Allah grant him long life), she is survived by two daughters, Syeda Amatul Shakoor Begum and Syeda Amatul Halim Begum and three sons, Mirza Anas Ahmad, Mirza Farid Ahmad and Mirza Luqman Ahmad.

For 47 years she had the honour to be the wife, and devoted companion of Hazoor and shared with him the great burden which Allah has been pleased to place on his shoulders. She was a model wife and was keenly conscious of the great responsibilities of her exalted station. Her exemplary role in shaping the behaviour and conduct of Ahmadi ladies young and old, along the ideal Islamic lines, was a source of satisfaction and indeed of inspiration to all concerned. Her kidness, her concern for the good of the Ahmadi ladies, and her identification with and unreserved submission to the cause of Islam can never be forgotton. Despite her uncertain health, she under-took the arduous task of accompanying Hazoor on all the seven global visits abroad and met and addressed Ahmadi ladies all over the world. She was a scholar of the persian language and also wrote prose and poetry in Urdu.

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The void created by her death will be felt by Hazoor in particular whom Allah has willed to be without her when he needed her most. It will be also felt by millions of Ahmadi ladies who found her their friend and guide in moments of stress. It is indeed a loss of the entire community.

We offer on this occasion our deep and heartfelt condolence to our revered Imam, and to all the Ahmadis of the world and pray that Allah bless her soul and grant her an exalted station in heaven and give us all the strength and fortitude to bear this great loss with resignation and submission to the divine will.

May His will be done !

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A Verse from the Holy Quran

وَاَقِيْمُوا الصَّلٰوةَ وَاٰتُوا الزَّكٰوةَ
وَارْكَعُوْا مَعَ الرّٰكِعِيْنَ ۝
(سورۃ بقرہ : ۴۴)

"Observe Prayer and pay the Zakat, and worship Allah wholeheartedly alongwith those who worship Him wholeheartedly".
(2 : 44)

Everyone who is liable to pay the Zakat must pay it. (Kashti Nuh, p. 14).

This is a time for the service of faith and the promotion of its purposes. Take full advantage of it, for it may not recur. Let everyone liable to pay the Zakat remit it here, and let everyone cut out non-essentials and utilize the savings for the service of the faith. Let everyone act with perfect sincerity, so as to be honoured with divine grace and the Holy Spirit, for this bounty has been prepared for those who have joined this Movement. (kashti Nuh, p. 74).

No *Zakat* is leviable on jewellery which is in constant use or is lent to other people, for instance, for use on festive or special occasions. (Al-Hakam, Vol. VI, No. 16, 30 April 1902, p. 7).

No *Zakat* is leviable on money which is on loan to someone. (Al-Badar, Vol. VI, No. 8, 21 February 1907, p. 3).

Money which is outstanding with customers is not liable to *Zakat*. But a businessman should not seek loopholes for exemption. After all he meets his own current expenses out of his assets. He should make a fair estimate of his liquid assets and should seek to win Allah's pleasure by paying *Zakat* on that basis. It is not right to deal with Allah in a hairsplitting way. (Al-Badar, Vol. VI, No. 28, 11 July 1907, p. 5.)

Zakat means purification. Purify your assets and pay the Zakat out of them. He who pays thus acts righteously, and he who does not make a distinction between that which is lawful and that which is unlawful is far from the true spirit of the *Zakat*. One should safeguard oneself against such default and must realize the true nature of these obligations. Failing this one derives no benefit from carrying them out, and one wanders far astray. There is no room for vanity. Set up no internal or external partners with Allah. Act righteously, and do not love wealth. (Al-Hakam, Vol. XI, No. 2, 17 January 1907, p. 9).

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Should there be among my people such who by virtue of their possessions, wealth, jewellery, etc., are assessable to *Zakat* they should realize that at the time there is no one so poor and helpless and such an orphan as the faith of Islam, and the emphasis on payment of *Zakat* is great and default in non-payment is accounted grave. This default borders on non-belief. Thus there is a heavy duty to help Islam with *Zakat*. Books in defence of Islam may be purchased with the proceeds of *Zakat* and distributed free. (Tableegh Risalat, Majmu'ah Ishtaharat, Vol. II, p. 106).

Most jurists are of the view that jewellery in constant use is exempt from *Zakat*. But it would be good if it is lent for use to other women also, even if it is only for short periods. In such case the jurists are unanimous in favour of exemption. (Maktoobat, Vol. V, p. 55, letter No. 13/5 addressed to Munshi Habeebur Rahman Sahib.).

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Punishment of Apostacy in Islam

by

Muhammad Zafrullah Khan

The present article should be read in continuation with the sermons delivered by Hazrat Mirza Nasir Ahmad, Head of the Ahmadiyya Movement on Friday, December 29, 1978 and Friday, January 12, 1979 at Rabwah. The English Translation of the two sermons was published in the April 1979 issue of the Review of Religions.

(Editor)

Punishment of Apostacy : Holy Quran

REFUTATION OF PUNISHMENT FOR APOSTACY

One of the foremost advocates of death as the penalty for apostacy in Islam, in his desperate search for at least one verse in the Holy Quran which might lend support to his misguided point of view, has had recourse to violating the context and meaning of one verse of the Holy Quran and to deduce from it his horrible doctrine. He has not a word to offer in explanation of the numerous verses of the Holy Quran that form the basis of the above exposition, which is proof enough that he has deliberately misinterpreted the particular verse from which he seeks to draw support. He also appears to be unconscious of the emphatic affirmation made in the Holy Quran, that there is no contradiction in it. Had there been any contradiction in the Quran, it would not be the Word of God, as is said: Will they not meditate upon the Quran? Had it been from anyone other than Allah they would surely have found therein much contradiction. (4:83).

Let us examine the verse upon which this particular divine bases his whole thesis. It is verse 12 of Chapter 9. The context of the verse is that after the Holy Prophet, peace be on him, had migrated from Mecca to

Medina, Quraish of Mecca had embarked upon hostilities against him and the Muslims for the purpose of wiping out Islam by force. Then after a period of repeated aggression on their part, God of His mercy and grace, established the supremacy of Islam in Arabia; but those who were still disaffected, and entertained hostile designs against the Muslims, and had not laid down their arms, were granted a period of four months within which to make their peace with the Muslims, failing which, the hostilities which they themselves had started, would be resumed against them. In this context it was pointed out that such of them as sincerely accepted Islam would form part of the Islamic brotherhood and there would be no question of any action being taken against them. That had been the situation all through. Those who, continuing disbelievers, concluded a treaty of peace with the Muslims, must carry out the obligations of the treaty strictly. If they failed to do so hostilities would be resumed against them. Verse 11 of Chapter 9 is to the following effect: If they repent and observe Prayer and pay the Zakat, then they are your brethren-in-faith. We expound Our commandments for a people who possess knowledge. This is followed by verse 12 which lays down: If those who break their pledge after making a covenant and ridicule your religion, in such case fight these leaders of disbelief that they may desist, for they have no regard for their pledged word. This divine construes this verse as meaning that if those who are referred to in the previous verse as having become Muslims, should repudiate Islam, they should be fought against and subdued.

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Assuming that those who repudiated Islam after having expressed their belief in it, reverted to hostilities, they would of course be fought against, not because of their apostacy but because of their reversion to enemy status. The issue that this divine has to face is that Islam prescribes no penalty for a simple change of faith, which involves no treason or rebellion or hostility against the Islamic State. The verse under consideration relates to the breaking of a pledge to live at peace with the Islamic State. Those who are guilty of such breach are to be fought against, as rebels or enemy aliens, and not to be caught and executed for apostacy.

This is made abundantly clear by the immediately following verses which say: Will you not fight people who have violated their oaths, who plotted to turn out the Messenger from his home and who were the first to start hostilities against you? Do you fear them? It is Allah Who is Most

Worthy that you should fear Him, if you are believers. Fight them; Allah will punish them at your hands and will humiliate them, and will help you to overcome them, and will relieve the minds of the believers of fear and distress and will remove their feeling of resentment (9.13-14).

It is thus clear that these verses have reference to the disbelievers who have no regard for their pledged word, and who should be guilty of breach of treaties and should be bent upon armed hostilities.

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PROPAGATION OF OTHER FAITHS

In consequence of his misguided notion, the divine referred to above is compelled to take up the position that propagation of non-Islamic beliefs must be prohibited by law in an Islamic State, which again is an utter negation of freedom of conscience and belief. Islam is a missionary religion and claims that in all countries and among all peoples there should be complete freedom of conscience and belief, including the freedom to change one's religion. If the view propounded by this particular divine were to be accepted, all the persecution to which the Holy Prophet, peace be on him, and the early Muslims were subjected in Mecca during thirteen years of his ministry, would be deemed to have been fully justified, as Islam was a menace to the beliefs of Quraish and to their very mode of life.

Finding nothing in the Holy Quran to support his thesis, and having no answer to the clear and repeated affirmations of the Holy Quran in support of complete freedom of conscience and belief, this divine seeks to make Hadees and the alleged policy of the Successors of the Holy Prophet, peace be on him, the principal prop of his outrageous theory. If the instances cited by him are carefully examined, it will be found that in everyone of them the apostate or apostates concerned had been guilty of rebellion or murder, or armed support of the enemies of Islam. These cases shall be dealt with later in the course of this exposition.

In truth for a person of average intelligence only a portion of a single verse of the Holy Quran should be conclusive that Islam does not permit any type of compulsion in matters of faith, whether it should be the case of presenting Islam to a non-Muslim and inviting him to accept it, or it should be the case of persuading one who had abjured Islam to revert to it. The dir-

ection of the Holy Quran in this respect is imperative. There shall be no compulsion in matters of faith (2:57). Matters of faith surely comprise change of religion. It is characteristic of the Holy Quran that whenever it propounds a principle it also sets forth the reason on which it is based. The portion of the verse here cited comprises both a direction and the reason for the direction. It may be interpreted as: There shall be no compulsion in matters of faith, inasmuch as faith is a matter of conscience and by its very nature conscience cannot be compelled. It may be possible to force a person to say that he believes but no one can be forced to believe. Therefore an attempt to force a person to believe is futile. If a person yielding to force, or a threat of force, or some kind of temptation, says he believes, while his mind is not convinced of the truth of that which he is compelled to acknowledge as true, he would not be a believer but only a hypocrite.

The verse just cited does not leave the matter merely at the stage of an implied reason as the basis of the directive set out in the verse. It goes further and affirms that guidance having been clearly distinguished from error, sane reason would naturally be inclined to accept the guidance and to reject the error. This is a grand principle which has been set out imperatively in the Holy Quran, and is not set out with such emphasis in the scriptures of any other faith. Yet unfortunately a body of Muslim divines continues to adhere to the utterly false notion that a Muslim who abjures Islam must be put to death. Human nature revolts against such a doctrine and there is no support whatsoever for it either in the Holy Quran or in the practice of the Holy Prophet or of his immediate successors.

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METHOD OF PROPAGATION OF ISLAM

Islam is a religion the followers of which are under obligation to constantly invite non-Muslims to its acceptance. The manner of such invitation is also set out clearly in the Holy Quran. It is said: Call unto the way of thy Lord with wisdom and goodly exhortation, and contend with them on the basis of that which is best. Thy Lord knows best those who have strayed away from His path, and He knows best those who are rightly guided (16:126). Indeed guidance is bestowed by God and the business of a believer is only to present Islam to non-Muslims wisely and with kindly reasoning. It is for God Al-

mighty to bring about a change of heart. For instance, it is said : Whomsoever Allah wills to guide, He opens his mind to the acceptance of Islam (6:126); and it is said: Surely, thou canst not guide whomsoever thou pleasest; but Allah guides whomsoever He pleases, and He knows well those who would be guided (28:57).

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FREEDOM OF CHANGE OF FAITH

As Islam constantly invites non-Muslims to enter its fold, every non-Muslim who accepts that invitation necessarily repudiates his original doctrine to the extent to which it is inconsistent with Islam and wholeheartedly subscribes to Islam. Thus he becomes an apostate in the eyes of his original co-religionists. If the penalty of apostacy from Islam is death, would it be unreasonable for other faiths also to impose the penalty of death for apostacy from those faiths? This would mean that no change of faith would be permissible under any circumstances and that everyone must continue to adhere to the doctrines and teachings of the faith into which he may be born. The accident of birth would determine everyone's belief and freedom of conscience would become a myth.

Also, in such a state of affairs, if a follower of one faith became convinced of the truth of another faith he would be under compulsion to continue to give up lip service to the doctrines of the faith into which he was born, though he would have ceased to believe in them. In other words he would be a hypocrite. The Holy Quran condemns hypocrisy in the strongest terms. For instance, it is said: Convey to the hypocrites that for them there is a painful torment (4:139); and again: The hypocrites shall surely be in the lowest region of the fire, and thou shalt not find that they have any helper (4:146).

Again, it is pointed out that if force or pressure had been permissible in matters of faith God Almighty, Who can force a person to believe, would have compelled the whole of mankind to become believers, but He leaves everyone the choice to believe or to disbelieve. How can it, therefore, be permissible for any human being to exercise compulsion in matters of conscience when any compulsion exercised by a human being cannot even be effective? For instance, it is said: If thy Lord had enforced His will surely all those

on the earth would have believed, without exception, wilt thou, then, take it upon thyself to force people to become believers? Except by Allah's leave no one can believe; and He will afflict with His wrath those who will not use their understanding (10:100-101).

One Muslim divine, who has a considerable following, has coined the cliche that the door of Islam opens only inwards and does not open outwards, and that, therefore, whoever attempts to emerge from Islam forfeits his life. It is a stupid utterance which has neither rhyme nor reason to support it.

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COMPULSION SIGN OF FALSEHOOD

The Holy Quran has set out several instances which show that the exercise of compulsion or force in the matter of religion is the practice of those who are committed to falsehood. For instance, the opponents of Noah said to him: If you do not desist you shall certainly be stoned to death (26:117). Abraham's father said to him: Is it that thou art turning away from my gods, Abraham? If thou desist not, I shall surely cause thee to be stoned to death (19:47).

Moses and Aaron were commanded: Go, both of you, to Pharaoh, for he has transgressed grievously; but speak gently to him, perchance he may take heed or be humble (20:44, 45). In contrast, the treatment accorded to Moses by Pharaoh and his people was: When he came to them with Truth from Us, they said: Slay the male children of those who have believed with him and spare their female children.....Pharaoh announced: Hinder me not in putting Moses to death; and let him call on his Lord to save him. I fear lest he should change your religion or cause disturbance in the land (40:26, 27).

When the magicians whom Pharoah had summoned to contend against Moses were frustrated and they realised that Moses was righteous and declared their belief in him, Pharoah was greatly incensed at their apostacy and exploded: What! You have believed in him even before I gave you leave! Surely, this is a plot that you have hatched together in the city, that you may turn out therefrom its people, but you shall soon know the consequences. Most surely will I cut off your hands and feet on alternate sides, then will I crucify you all together. They answered: What then? In any case, to our Lord shall we return. Thou art incensed with us only because we have believ-

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ed in the Signs of our Lord when they came to us. We pray to our Lord: Send down on us steadfastness and cause us to die in a state of submission to Thee (7:124-127). Again it is said: Pharoah stormed: What! Do you believe in him before I give you leave? He must be your chief who has taught you magic. Therefore, I will certainly cut off your hands and your feet on alternate sides, and I will surely crucify you on the trunks of palm trees. Then shall you know which of us can inflict severer and more lasting punishment. They retorted: We cannot prefer thee to the manifest signs that have come to us, nor to Him Who created us. So decree what thou wilt decree, thou canst but terminate this present life. We have believed in our Lord that He may forgive us our sins and forgive us the deceit that thou hast forced us to practise. Allah is the Best and Most-Abiding (20:72-74).

Those who contend the punishment of an apostate is instant death, identify themselves with the opponents of truth in all ages. In the case of Pharaoh and the magicians who announced their faith in Moses, the magicians were clearly apostates in the estimation of Pharaoh who himself claimed to be their gōd and could, therefore, not tolerate their believing in any other god. According to those Muslim divines who advocate death for an apostate he was in the right in threatening them with instant execution, but the Holy Quran clearly condemns Pharaoh's attitude as cruel and tyrannical. How would the advocates of death for apostacy resolve this difficulty?

Another absolutely conclusive verse of the Holy Quran on this subject is: A section of the people of the Book urge some from among themselves: Why not affirm, in the early part of the day, belief in that which has been revealed unto the believers and repudiate it in the latter part of the day, perchance they may turn away from their faith. (3:73). This was a Jewish device whereby they hoped to create doubt and confusion among the Muslims in the hope that some of them might thereby be beguiled into repudiating Islam. If that was the purpose of their device the verse is conclusive proof that there was no punishment prescribed for apostacy. In the first place, those of the Jews who, according to this device, would announce their belief in Islam during the early part of the day, and then would repudiate Islam in the latter part, would render themselves liable to execution if the Holy Quran had prescribed death as the penalty for apostacy; and in the second place, their execution would have operated as a deterrent in the case of those who might otherwise have been tempted to follow their example

and thus the design would have been frustrated both ways.

The advocates of the death penalty for apostacy urge that this verse merely mentions this design of the Jews which remained part of their thinking and was never put into practice and that, therefore, this verse cannot be relied upon in support of the thesis that the Holy Quran does not prescribe any penalty for apostacy. This argument is devoid altogether of any validity. Even if it sets out only a hypothetical case which was only contemplated but was never put into practice, the verse would still be conclusive proof that the Holy Quran had prescribed no penalty for apostacy. If the extreme penalty had been prescribed the Jews would never have contemplated any such device as is mentioned in the verse. But in fact it was not a merely hypothetical case. This is clear from the following extract taken from page 493 of Vol. II of the commentary Bahral Muheet: Hasan and Sady relate that twelve Jewish divines of Khaibar and Urainah agreed among themselves that they should declare belief verbally in Islam during the early part of the day, without any conviction in their hearts, and that in the latter part of the day they should repudiate Islam on the ground that they had again studied their books and had discussed the matter with other divines and had come to know that Muhammad was not a true prophet and that his falsehood and that of his religion had become patent to them. When they would do that, the companions of Muhammad would fall into doubt and thinking that as they were the people of the Book and knew these matters better than themselves, they would be disgusted with their own religion (Islam) and would turn to their religion (Judaism).

This incident is mentioned in several other commentaries, in some of which the names of the divines who had so agreed are also mentioned.

Another verse of the Holy Quran also indicates that some such incidents actually took place. That verse is as follows: When the people of the Book come to you, they say: We believe; but they come in disbelieving and go out disbelieving and Allah knows best that which they seek to hide (5:62).

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Another relevant verse is: He who turns back on his heels shall not harm Allah a whit (3:145). In this verse, turning back on his heels obviously means repudiation of Islam and apostacy, and no punishment for apostacy is mentioned. Also, the affirmation that such a one shall not be able to harm the Muslims at all also indicates that there was no such punishment for

apostacy as is now alleged, for if such a one was to be executed immediately, there could have been no apprehension of his doing any harm to anyone.

Another verse to the same effect is: Whoever takes disbelief in exchange for belief has undoubtedly gone astray from the right path (2:109). This also indicates that there was no worldly punishment for apostacy. All that is mentioned is that an apostate goes far astray from the right path.

Thus there is nothing whatsoever in the Holy Quran from which any inferrence might be drawn that apostacy is punishable with death or indeed with any worldly penalty. It must, however, be clearly understood that we are concerned with pain and simple repudiation of Islam without any complication, such as an apostate joining the enemies of Islam and fighting along with them against the Muslims, or committing any other offence.

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APOSTACY AND REBELLION

The advocates of apostacy being treated as a capital offence, or at least a serious offence, have recourse to all sorts of arguments which merely emphasise their helplessness and frustration. For instance, they argue that even simple apostacy amounts to rebellion and is thus a capital offence. But they fail to explain against whom is apostacy a rebellion. Is is rebellion against the state within whose jurisdiction the apostate resides, or is it rebellion against God? If it is rebellion against God, He would deal with it at His own time and in His own way. No one else has the authority to deal with such a case. If it is rebellion against the state in which the apostate resides, then how would it be dealt with if that state should not be a Muslim state? Is it meant that Islam prescribes a penalty for simple apostacy in the case of an unfortunate one who resides within the jurisdiction of a Muslim state, but does not prescribe any penalty for apostacy in a case where the apostate resides within the jurisdiction of a non-Muslim state? The absurdity of the argument is patent. In any case, what is the authority for affirming that simple apostacy from Islam is rebellion, or is any other punishable offence?

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PUNISHMENT OF APOSTACY : HADEES

Another complication which is sought to be introduced into the discussion of this subject is that though there is no clear authority in the Holy Quran that apostacy is punishable as an offence, yet there is evidence in the hadees that it was so treated by the Holy Prophet, peace be on him, and by his immediate successors. Any such affirmation amounts to an enormity. It is well understood that no action of the Holy Prophet or any of his immediate successors could possibly be in conflict with the Holy Quran. All that the Holy Prophet did or said was illustrative of some direction or injunction of the Holy Quran. He himself warned that if anything was attributed to him which was in conflict with the Holy Quran, it must be rejected as false.

It is well known that the integrity of the Holy Quran is guaranteed by God Almighty, as is said: Surely, We Ourself have sent down this Exhortation, and We will, most certainly, safeguard it (15:10). The safeguarding of the Holy Quran which is here guaranteed is absolute and has many aspects. One of them is that the text of the Holy Quran would always be preserved intact. There is no such guarantee with regard to hadees. Whatever else may be said about hadees, it must be acknowledged that if a hadees is irreconcilable with the Holy Quran, it must be rejected altogether.

Therefore, in the face of the emphatic and repeated affirmations of the Holy Quran which we have cited, it is not necessary to pay any attention to the suggestion that any hadees is susceptible of the interpretation that someone was condemned to death on account of apostacy. Nevertheless, in view of the insistence of some of the divines who affirm that the punishment for apostacy is death, we might briefly examine the question on the basis of hadees also.

Bokhari relates, on the authority of Jabir bin Abdullah, that a desert Arab took the pledge of Islam at the hand of the Holy Prophet, peace be on him, and a little later he suffered from fever while he was still in Medina. He came to the Holy Prophet, peace be on him, and said: Messenger of Allah, do release me from my pledge. But the Holy Prophet paid no attention to him. He came a second time and made the same request, and the Holy Prophet refused to comply with his request. He then departed from Medina.

Whereupon the Holy Prophet observed: Medina is like a furnace which destroys the dross and purifies the rest (Fathul Bari, Vol. XXIII, p.173).

This incident is most instructive. The man's repeated request to the Holy Prophet that he might be released from his pledge is conclusive proof that apostacy was not a punishable offence. Had it been punishable, as is affirmed by some of the misguided divines, with death, this man would never have approached the Holy Prophet with the request that he might be released from his pledge. He would have slipped away from Medina secretly, lest he should be apprehended and put to death.

Again, if the penalty of apostacy had been death, why did the Holy Prophet, peace be on him, not warn him that as he had ceased to believe in Islam, he was liable to be executed? As he persisted in his request to be released from his pledge, why was he not executed after his second request? Why did not the Companions of the Holy Prophet, who were present on each occasion, warn him that as he had ceased to believe in Islam, he had incurred the penalty of death?

Further, the Holy Prophet appears to have been pleased that the man had departed from Medina. The observation that the Holy Prophet made is an indication that the Holy Prophet considered the man's departure from Medina a good riddance, as his continued presence in Medina would not have been desirable.

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TREATY OF HUDAIBIYYAH

Bokhari has related, on the authority of Braa bin Aazib, that in the treaty of Hudaibiyyah, the Holy Prophet, peace be on him, agreed with the pagans of Mecca that if anyone of them became a Muslim and came to Medina, he would be returned to the Meccans, but that if a Muslim departed from Medina and joined the Meccans, they would not be under obligation to return him to the Holy Prophet (Bokhari, Egyptian edition, Vol. II, p. 76).

The obligation undertaken by the Holy Prophet in the treaty that a Muslim who departed from Medina and joined the Meccans, which means that if he repudiated Islam and went and identified himself with the Meccans, he would not be restored to the Holy Prophet, also establishes that apostacy was not punishable as an offence. Had it been punishable as an offence, the

Holy Prophet would not have accepted this term of the treaty. He would have told the Meccan envoy, who represented the Meccans at Hudaibiyyah, that he could not agree to a term which was contrary to the divine command that an apostate was punishable with death. Nor did any of the Companions of the Holy Prophet protest against this term of the treaty that it was inconsistent with a Divine commandment.

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TESTIMONY OF ABU SUFYAN

The dialogue between the Byzantine Emperor Hirrclius and Abu Sufyan took place after the treaty of Hudaibiyyah. Abu Sufyan has related: When the Emperor summoned me to his presence, he placed my companions behind me and told them that he was about to question me concerning the person who claimed to be a peophet in our country, and that if in my answers I said anything which was not true, they should immediately contradict me. Therefore, had I not been afraid that if I said anything that was untrue my companions would contradict me and I would be humiliated before the Emperor, I would have had recourse to falsehood in my replies. I tried hard to add something to my replies that might go against the Holy Prophet, peace be on him, but I found no opportunity of doing so, except in one respect, and that was when the Emperor asked me: How does he carry out his covenants? I replied: So far, he has not contravened any of his covenants with us. We have just entered into a new treaty with him and we shall see how he behaves in respect of it, whether he carries it out or not. This was all that I was able to introduce into my replies that could raise a doubt with regard to the truth of the Holy Prophet, peace be on him.

One of the questions that the Emperor had put to Abu Sufyan was: Has any of those who have accepted him, repudiated him? To which Abu Sufyan replied in the negative. Had Islam imposed the penalty of death upon an apostate, Abu Sufyan would certainly have taken advantage of it and told the Emperor that none of the followers of the Holy Prophet resiled from his faith because if he did so, he would be put to death. This also is strong evidence that Islam had not imposed any penalty for aspostacy.

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APOSTATE PARDONED BY HOLY PROPHET

Abdullah bin Abi Sarah was one of the scribes of the Holy Prophet, peace be on him, in Medina. He became an apostate and went and joined the Meccans and identified himself with them. On the fall of Mecca, he was among those few persons who were condemned to death by the Holy Prophet, peace be on him, on account of their misdeeds. He was a foster brother of Hazrat Usman bin Affan, who gave him shelter in his house where he remained hidden for some days. When order was restored in Mecca, Hazrat Usman interceded with the Holy Prophet on his behalf, who remained silent for a while and then signified his forgiveness of Abdullah. This incident is mentioned both in the Tafseer Kabeer of Imam Razi (Vol. V, p. 527) and in the commentary Ruhul Maani (Vol. IV, p. 484).

This incident also furnishes clear proof that there was no penalty for apostacy in Islam. Abdullah bin Abi Sarah had been condemned on account of his political offences and not on account of his apostacy. Had the punishment for apostacy been death, Hazrat Usman would never have given him shelter, and the Holy Prophet would never have accepted Hazrat Usman's intercession on his behalf.

It is well known that the Holy Prophet never accepted any intercession in respect of the prescribed punishment for an offence. If any one attempted intercession in such a case, the Holy Prophet rejected it and was gravely displeased with the intercessor. This is well illustrated by the case of a woman of the Makhzoom who had been found guilty of theft. Bokhari has related on the authority of Aisha: The Quraish were much disturbed on account of a Makhzoomi woman who had committed theft. They consulted together and wondered who could approach the Holy Prophet, peace be on him, on her behalf, except Usamah bin Zaid, whom the Holy Prophet held dear. They persuaded Usamah to approach the Holy Prophet, and intercede on behalf of the woman. When he did so, the Holy Prophet rebuked him; Do you intercede in respect of a penalty prescribed by Allah? Then he stood up and, addressing his companions, said: Many people before you went astray because they overlooked the offence of a person belonging to a good family and imposed the prescribed penalty upon a common thief. I call God to witness

that if Fatimah, daughter of Muhammad, were to be guilty of theft, I would certainly cut off her hand (Bokhari, Indian edition, p. 1003).

Thus it can be seen what was the attitude of the Holy Prophet in respect of prescribed penalties. Had Abdullah bin Abi Sarah been liable to the penalty of death on account of his apostacy, the Holy Prophet would never have accepted Hazrat Usman's intercession on his behalf and would have responded to Hazrat Usman in the same way as he had responded to Usamah.

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EXAMINATION OF AHADEES

Some comment may be offered on the ahadees that are set forth in support of their position by those who contend that apostacy is punishable with death. Abi Qalabah reports on the authority of Anas: Some people of Akal or Urainah came to Medina and found that its climate disagreed with them. The Holy Prophet told them to go and stay among his she-camels outside Medina and drink their milk. They followed his instructions, and when they were fully restored they killed the Holy Prophet's keeper of the camels and drove away the camels. When the Holy Prophet was informed of this incident, he sent some men after them who caught them and brought them to the Holy Prophet. He directed that they should be tortured in the same way as they had tortured his keeper of the camels.

Now, it is true that those people had become apostates, but it is quite clear that the penalty imposed upon them was not in respect of their apostacy, but on account of the offences which they had committed on the person of the Holy Prophet's keeper of his camels. This hadees, therefore, does not in any manner lend support to the thesis that apostacy is punishable with death.

Another instance that is cited in support of the thesis that apostacy is punishable with death is the case of Ibn Khatal who was one of the four people who were executed on the occasion of the fall of Mecca. It is true that he was an apostate, but it is not a fact that he was executed on account of his apostacy. His case is set out in Mawahibal Ludunniyyah where it is stated: The Holy Prophet directed the execution of Ibn Khatal. He had been a Muslim and the Holy Prophet, peace be on him, had sent him to collect the

zakat. He was accompanied by an Ansari and a freed man of his who served him and who was a Muslim. They arrived at a place where they were to spend the night and he directed the freed man to slaughter a goat and to prepare dinner. Having given this direction, he went to sleep and when he woke up, he found that the freed man had done nothing for the preparation of dinner. He was intensely annoyed and set upon the freed man and despatched him. He then repudiated Islam and reverted to paganism, and went to Mecca and settled down there.

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This recital makes it quite clear that Ibn Khatal was not executed as a punishment for his apostacy, but on account of his murder of the Muslim freed man. Our thesis is not that no apostate has ever been punished. We concede that there are several instances of the execution of apostates, but in each case the execution was for some offence committed by the apostate and not on account of his apostacy. We repeat that there has not been a single case in which the Holy Prophet, peace be on him, directed the execution of an apostate whose only default was that he had repudiated Islam and who had not been guilty of any offence attracting the penalty of death.

The third case which is cited in support of the advocates of the penalty of death for apostacy is that of Maqees bin Sababah who was also executed on the occasion of the fall of Mecca. Concerning him Zarqani has recorded in his commentary on Mawahibal Ludunniyyah: Maqees bin Sababah had become a Muslim and thereafter he killed an Ansari who had killed his brother Hisham during the campaign of Zeeqard, mistakenly thinking that he was one of the enemy. After that incident Maqees had accepted blood money in respect of his brother from the Ansari, and yet, he killed the Ansari. He then repudiated Islam and went to Mecca and joined the Quraish. This again is a case where an apostate was executed on account of a treacherous murder that he had committed.

Having met nothing but frustration in their search for a genuine case of execution on account of simple apostacy, those who differ with us on this question have been driven to rely upon two utterly unreliable ahadees, each of which mentions the execution of a woman on account of her apostacy. These two ahadees are false on the face of them as there is good authority affirming that the Holy Prophet, peace be on him, never directed the execution of a woman for apostacy.

In certain ahadees it is merely mentioned as a hypothesis that an apos-

tate deserves to be executed, but in every one of those ahadees, a qualification is added which requires that the apostate should have fought the Muslims or should have committed some other offence. It is not necessary, therefore, to examine those ahadees in detail.

PUNISHMENT OF APOSTACY BY COMPANIONS OF HOLY PROPHET

We now proceed to the examination of instances which are cited to establish that the Companions of the Holy Prophet imposed the penalty of death upon apostates. Before examining those instances we would observe that we are not bound by the action of any companion of the Holy Prophet. We are bound only by the Holy Quran and the practice of the Holy Prophet, peace be on him. Syed Sharif al Jarjani has stated in his Mukhtasar: The word or action of a companion, however reliably stated, is not binding. In Kashful Asrar, which is a commentary on Al-Manar, it is stated at p. 99 of Vol. II: We follow the Prophets, peace be on them, as we have been assured through the signs exhibited by them that they have been safeguarded against falsehood and mistake, and we follow them on account of their sinlessness. This quality is not guaranteed in respect of others. Therefore, we are not bound to follow any of them. That is why Imam Shafai has said that the word of a companion is not binding. Had it been binding, people would have been called to obey it as they are called to obey the Holy Prophet, peace be upon him.

At page 100 of the same book it is recorded: It is related of Umar, may Allah be pleased with him, that he wrote to Shuraih, directing him to decide in accordance with the Holy Quran, and failing that, according to the practice of the Holy Prophet, and in default of that, according to his own judgment. He did not direct him to follow any dictum of Umar himself.

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HAZRAT ABU BAKR AND APOSTATES

Nevertheless, the cases cited by those who differ with us, do not uphold their thesis. The first case cited is that of the widespread apostacy

which followed upon the death of the Holy Prophet, peace be on him. It is argued that Hazrat Abu Bakr's fighting the apostates is conclusive proof that simple apostacy is punishable with death.

Our naive divines who cite this instance assume that those apostates were harmless people, whose only fault was that they did not consider themselves bound to pay the zakat to the Khalifa and had given up salat. It is imagined that they had committed no wrong beyond this and that they did not fight the Muslims, nor hurt anyone. It is supposed that they had no quarrel with the Islamic state, that indeed they were obedient to the Khalifa and supported him and were eager to live peacefully and obediently under the authority of the Islamic state. Had that been so, then it would be doubtful whether they were apostates at all. But the case was not as our divines imagine. Those apostates had repudiated their allegiance to the Islamic state and had taken up arms against it. Those of them who continued to adhere to Islam were killed, and forces were got ready to wage war with the Islamic state. In fact, they advanced upon Medina and laid siege to it in their effort to destroy the Muslims altogether. Therefore, Abu Bakr took up the sword against them and defeated and subdued them. This lends no support to the thesis that the punishment of simple apostacy is death. If the apostates had no rebellious designs, then why is it that leading Refugees and Helpers urged Hazrat Abu Bakr that he should detain the force which was ready to march north under the command of Usamah bin Zaid, as the security of Medina was threatened by the apostates? Also, why had Usamah begged Hazrat Umar, may Allah be pleased with him, to go to Hazrat Abu Bakr and to persuade him to permit Usamah to return to Medina? The reason given by Usamah for his request was that the force under his command contained all the leading Muslims and he had serious apprehensions that the Khalifa and the wives of the Holy Prophet and the Muslims in Medina might find their security in danger from the apostates.

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Tabari has recorded: Abs and Zeeban were the tribes who were the first to attack Medina and Hazrat Abu Bakr fought them before the return of Usamah (Tabari, Vol. IV, p. 1873).

Ibn Khalladun has recorded: Abs and Zeeban were the first to attack Hazrat Abu Bakr and the others collected together at Zil Qassah (Ibn Khalladun, Vol. II, p. 65).

Khamees has recorded: Kharajah bin Hasan, who was one of the apos-

tates, advanced upon Medina with some mounted men of his tribe so as to deliver his attack unexpectedly before the Muslims energed from Medina to oppose him. Thus he attacked Abu Bakr and those Muslims who had been left in Medina and took them unawares (Khamees, Vol. II, p. 237).

Some of the apostates sent delegations to Medina begging the Khalifa to release them from the obligation to pay the zakat and to observe salat. When Hazrat Abu Bakr rejected their request categorically, they went back to prepare their people for an attack on Medina. After they left, Hazrat Abu Bakr called the Muslims of Medina together and addressed them as follows: The whole country has reverted to disbelief. Their delegation has observed the smallness of your numbers in Medina. You do not know whether they might attack you by night or by day. Their vanguard is only at the distance of one stage from Medina. They had desired that we should accept their proposals and make an agreement with them, but we have rejected their request. So, make ready to defend yourselves against their attack. Within three days they attacked Medina at night, having left some forces at Zil Hussay as their support (Tabari, Vol. IV, p. 1875).

Thus it is clear that the apostates were the first to advance against the Muslims of Medina and they conceived that they would occupy Medina as the number of Muslims in it was small and they were weak. But God Almighty, according to His promise, supported the Khalifa and frustrated the designs of his enemies.

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The apostates had not only made preparations to advance upon Medina, they had, immediately after the death of the Holy Prophet, slaughtered the sincere Muslims among them who persisted in their adherence to Islam. Ibn Khalladun has said that on receiving the intimation of the death of the Holy Prophet, peace be on him Banu Zeeban and Abs attacked those among themselves who were Muslims and the same was done by the other tribes who had become apostates (Ibn Khalladun, Vol. II, p. 66).

Tabari has said: As soon as intimation was received of the death of the Holy Prophet, peace be on him, Banu Zeeban and Abs attacked those who still adhered to Islam and slaughtered them in diverse manners and so did the other tribes around them (Tabari, Vol. IV, p. 1817).

Thus it is clear that those tribes had rebelled openly against the authority of the Islamic state, they slaughtered the Muslims and were determined to wipe them out and to destroy the Islamic state and Islam itself. The advo-

cates of the penalty of death for simple apostacy can derive no support from such instances. Their recourse to these instances show that they can find nothing relevant in support of their thesis.

There were two considerations that held back the greater part of the apostates from advancing upon Medina. One was that Hazrat Abu Bakr and his companions had, with great courage and bravery, repelled those who had attacked Medina and this discouraged the rest. Secondly, the departure of the force under the command of Usamah for the north created an impression among the disaffected Arab tribes that the Muslims were very strong in Medina inasmuch as, despite the revolt of the tribes, they had been able to despatch a large army to the north.

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The author of Tarikhal Kamil has observed: The despatch of the army under the command of Usamah was an event which proved of the greatest benefit for the Muslims, inasmuch as the apostate tribes imagined that if the Muslims had not been in a position of great strength, they would not have despatched the army to the north in the situation with which they were faced. Under this impression, they held back from putting their evil designs into effect (Tarikhal Kamil, Vol. II, p. 139).

This also shows that all the apostate tribes had designs against Medina but they held back under the impression that the despatch of the army under Usamah was an indication of the strong position of the Muslims in Medina. A study of the situation with which Hazrat Abu Bakr was confronted at the time makes it clear that the Arab tribes had not only repudiated Islam, but they had all rebelled against the Islamic state and they were determined to wipe out the Muslims altogether. Their design was frustrated only by the timely and courageous action of Hazrat Abu Bakr. Had he not moved quickly against the first batch of rebels, who were advancing upon Medina, the position of the apostate tribes would have grown stronger, they would have slaughtered all the Muslims in their respective localities and would then have attacked Medina. It was, therefore, necessary that the Muslims should have acted quickly to break up their ranks and to put out the fire that was spreading in all directions and spelt danger to the very existence of the Muslims. Had Hazrat Abu Bakr not used force against the apostate tribes, there would have survived no Muslim and no Islam. As Aini has observed: Hazrat Abu Bakr fought those who had refused to pay the zakat because they had taken up the sword and had started hostilities against the Muslims

(Aini, Vol. XI, p. 236). This shows clearly that the apostates were the aggressors. They not only refused to pay the zakat, but took up the sword against the Muslims and thus commenced hostilities.

REBELLION AGAINST AUTHORITY OF STATE

The apostacy of the tribes was not confined to a difference of doctrine. They had taken up the sword in rebellion against the Islamic state, they slaughtered the Muslims among them, they burnt some alive and mutilated those they killed and then advanced upon Medina. Tabari has observed: When the Bani Asad, Ghatafan, Hawazan, Bani Sulaim and Bani Tai were finally vanquished, the Muslim commander, Khalid bin Waleed, refused to grant them an amnesty till they would produce before him those who, after their apostacy, had burned the Muslims alive, had mutilated them and had otherwise tortured them (Tabari, Vol. IV, p.1900).

It is also established that the apostates had expelled from their respective areas the functionaries who had been appointed by the Holy Prophet, peace be on him, and in some places set up their own government or attempted to do so. Ibn Khalladun has written: The Banu Rabia became apostates and appointed Munzar bin Numan as their ruler (Ibn Khalladun, Vol. II, p. 76).

It is, therefore, utterly untrue that the fighting of the apostates by the Muslims in the time of Abu Bakr lends any support to the thesis that simple apostacy is punishable with death in Islam. Those who make such a claim are either ignorant of the early history of Islam or they deliberately seek to mislead.

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MUSAILAMAH POLITICAL REBEL

The advocates of the penalty of death for apostacy also rely in support of their thesis on the case of Musailamah Kazzab. They pose the question: If there is no penalty for apostacy, why was Musailamah Kazzab not left alone and why was he fought against? The reply is that if he had confined himself to his claim of prophethood and had not entered into any political activity in opposition to the Muslim state, there would have been something which those who differ with us could have relied upon. But the facts refute them. The object of the activities of Musailamah Kazzab was to obtain political

power and his false claim of prophethood was only a means towards that end. During the life-time of the Holy Prophet, peace be on him, he had come to Medina with a delegation of Banu Haneefah and had proposed to the Holy Prophet that he would submit to him in case he was nominated the successor of the Holy Prophet. He was told by the Holy Prophet that he would not yield him even a twig of a date palm tree. When he went back he claimed to be a prophet and announced that half the country belonged to him and half belonged to the Quraish. He sent the following letter to the Holy Prophet: From Musailamah, Messenger of Allah, to Muhammad, Messenger of Allah, Peace be on you. I have been appointed your partner in authority. Half the country belongs to us and half belongs to the Quraish, but the Quraish are a people who transgress (Tabari, Vol. IV, p. 1849).

The Holy Prophet replied to him: The earth belongs to Allah; He bestows it as heritage on whomsoever He pleases of His servants, and the pleasing end is that of the righteous (7:129). Thereafter, Musailamah established his authority in Hajar and Yamamah and expelled therefrom the functionaries who had been appointed by the Holy Prophet (Khamees, Vol. II, p. 177). He made a junction with Sajah, the female rebel, who had intended to fight the Muslims and assured her: I shall establish my authority over the whole of Arabia with the help of my people and thy people (Tabari, Vol. IV, p. 1918). After his claim of prophethood, he encountered Habeeb bin Zaid and Abdullah bin Wahb Aslami, two of the Companions of the Holy Prophet, and having captured them, he asked them to acknowledge his prophethood. Abdullah yielded to his persuasion and became an apostate, but Habeeb stoutly resisted and Musailamah had him cut up limb by limb and then burned him (Khamees, Vol. II, p. 641).

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In the face of all this, can the advocates of the penalty of death for apostacy still contend that Musailamah was fought only on account of his apostacy and that his case lends any support to the thesis that simple apostacy is punishable with death? Musailamah had become so strong that when he fought Khalid bin Waleed in Yammah, he had under his command 40,000 warriors of the Banu Haneefah alone. The fighting was so severe as the Muslims had not experienced before. Yet those who differ with us represent Musailamah as a harmless apostate and contend that if simple apostacy was not punishable, he should have been left alone.

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APOSTATE AND REBEL

Another instance which is cited by our opponents in support of their thesis is that of Tulaiha, another claimant to prophethood. This shows again that the divines who rely upon the cases of Musailamah and Tulaiha in support of their thesis are either ignorant or dishonest. They were not only apostates, but took up the sword against Islam and sought to dominate Arabia after destroying the Muslims.

Tulaiha bin Khawailad Asadi had become an apostate in the life of the Holy Prophet, peace be on him. He settled down at Sumaira and gathered a force around him. After the death of the Holy Prophet, he became stronger and Ghatafan, Hawazan and Tai rallied to his cause. After Abs and Zeeban had been vanquished by Hazrat Abu Bakr, they too joined Tulaiha. All these people persecuted the Muslims, tortured them, mutilated them and burned some of them alive (Tareekhal Kamil, Vol. II, p. 149).

When Ukasha bin Mohsin and Thabit bin Aqram Ansari were out on a reconnaissance, they were overtaken by Tulaiha and his brother and were put to death. The Muslims subsequently discovered their dead bodies which had apparently been trampled underfoot.

It will thus be seen that Tulaih was not only an apostate, he was a rebel and gave shelter to other rebels. He himself and his people slaughtered Muslims and it had become necessary to put him down. Khalid bin Waleed was sent against him, but before starting action, he sent an emissary to try to persuade him to come to terms so that bloodshed could be avoided. But he proved obdurate and there was no choice left to Khalid except to start fighting.

Musailamah and Tulaiha were not the only ones who made a false claim of prophethood towards the latter part of the life of the Holy Prophet, peace be on him. There were several other such claimants and all of them airmed at acquiring political authority over some part of Arabia. One of them was Aswad Ansi who raised the standard of rebellion simultaneously with his apostacy. He commanded the functionaries of the Holy Prophet in the Yemen to restore to him the taxes which they had collected. They put him off and he proceeded to subdue the Yemen with the help of the tribes of Mazhaj and Najran. He killed the Muslim governor of the Yemen, Shahr bin

Bazan, and forcibly married his widow and made himself the ruler of the whole of the Yemen. On being apprised of the rebellion of Aswad, the Holy Prophet, peace be on him, sent a letter to Mauz bin Jabal and the Muslims to oppose Aswad Ansi, who was killed by them and the news of his death arrived in Medina one day after the death of the Holy Prophet, peace be on him.

One Laqeet bin Malik Azdi of Oman became an apostate and claimed to be a prophet. He collected together a force and established his authority over Oman, whence he expelled Jaafar and Abad who had been appointed functionaries in Oman (Tabari, Vol. IV, p. 1977).

The claimants of prophethood had no concern with religion. Their only purpose was political domination and they were all rebels against the Islamic state. That was the only reason for fighting them. Their cases lend no support to the thesis that apostacy is punishable with death in Islam. They, like the other apostates, had raised the standard of rebellion against the Islamic state. They slaughtered Muslims, expelled the functionaries of the state from the regions over which they established their authority, assumed and exercised the powers of government, raised forces for fighting the Islamic state and some of them moved against Medina and laid siege to it. These were the reasons that they had to be fought.

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OBLIGATION TO PAY ZAKAT

Even if these apostates and claimants had not been guilty of the crimes which they committed after their apostacy, which necessitated their suppression by force for the sake of the security of the Islamic state, and had confined themselves only to refusing to pay the zakat while still claiming to be Muslims, that alone would have been a sufficient cause for fighting them. Hazrat Abu Bakr was perfectly right in declaring that he would fight those who refused to pay the zakat even if their refusal did not go beyond holding back from him one nose string of a camel which they used to render to the Holy Prophet, or holding back a single lamb that they used to surrender as zakat to the Holy Prophet. He was not only the spiritual Successor of the Holy Prophet, peace be on him, but also his political Successor . The Islamic state had been established all over Arabia during the life-time of the Holy Prophet and it was the primary duty of his Successors to maintain the Islamic

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state, and to safeguard it and to arrange to recover the financial dues that were owed to the state treasury. The Holy Prophet, peace be on him, had organised the revenue system of the Islamic state which was based on the zakat, and the zakat was recognised as an obligatory tax due to the state. The Islamic state made provision for its diverse activities from the proceeds of the zakat. The military requirements of the state were met out of the zakat and all aspects of social welfare were provided out of the proceeds of the zakat. For instance, it is the duty of an Islamic state to provide for the maintenance of the unemployed and of the disabled; to provide capital for those who have been trained for a profession or an occupation or other beneficient activity, but lack the means of carrying it on; to promote industry and commerce; to provide facilities for transportation and for the comfort of travellers etc. It may sometimes be necessary for the state to help those who are indebted and cannot find the means to discharge their debts, or those against whom an award has been made which they have not the capacity to fulfil. All this has to be provided for out of the proceeds of the zakat. As the Islamic state is not a purely secular state, it is under obligation to provide for the propagation of Islam and to help those who accept Islam and are in need of assistance. This is also one of the purposes which have to be met out of the proceeds of the zakat, as is said in the Holy Quran: The proceeds of the zakat are for the poor and the needy, and for those employed in connection with their collection and distribution, for those whose hearts are to be comforted, and for the freeing of slaves, and for those burdened with debt, and for those striving in the cause of Allah, and for the comfort of the wayfarers. This is an ordinance from Allah. Allah is All-Knowing, Wise. (9:60).

The difference between the obligation of paying the zakat and the obligation of observing salat is that the latter pertains wholly to the individual and the former pertains not only to the individual but also to the state, and it is the duty of the state to arrange for its recovery. The verse just cited requires the state to establish a department for the recovery and dispensation of the zakat. The Holy Prophet, peace be on him, said about the zakat: It is a levy that is imposed upon the well-to-do and is restored to those who are in need. The expressions levied and restored indicate that it is the duty of the state to recover the zakat and to employ its proceeds for the purposes which are set out in the verse just cited. The direction in the Holy Quran: Take a portion of their wealth as zakat (9:103); requires the Holy Prophet, peace

be on him, and his Successors and all Islamic states to recover the zakat. In accordance with it, the Holy Prophet made arrangements for its recovery and appointed functionaries to assess and collect it. In his time, the zakat was collected in the same way as government revenues are collected in our time.

As Hazrat Abu Bakr was the Successor of the Holy Prophet, peace be on him, it was his obligation to collect the zakat in the way as the Holy Prophet himself collected it. That is why he affirmed that if any Muslim who paid zakat to the Holy Prophet, would withhold from him as little as the nose-string of a camel that he used to render to the Holy Prophet, he would require it from him by the sword. Thus the recovery of the zakat would be enforced in the same manner in which governments recover their dues from their subjects. If anyone should refuse to pay such dues, the state is entitled to recover them by force. Those who refused to pay the zakat in the time of Hazrat Abu Bakr were in the same situation as those who might refuse to pay government taxes today. It was the duty of Hazrat Abu Bakr to recover the zakat by force from those who refused to render it. Those people were rebels against the state like those who might refuse to pay government taxes today. Thus, if Hazrat Abu Bakr fought those Muslims who were not guilty of any offence other than refusal to pay the zakat, those who differ with us on the question of the punishment of apostacy can derive no support or comfort from his action, as he had fought those who had rebelled against the authority of the state.

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The Holy Prophet, peace be on him, had to deal with enemies who would not leave the Muslims at peace. They persecuted them and sought to wipe out Islam with the sword. He stood up against them and having established peace and security in the land, liad the foundations of an Islamic state and put the Islamic law in force. Among other laws he imposed the Zakat on those upon whom it had been made obligatory and arranged for its recovery. During his time, no section of the Muslims refused to pay the zakat. He was, therefore, under no necessity to fight anyone on that score. This necessity arose in the case of Hazrat Abu Bakr who was refused the dues that the Holy Prophet had imposed, the recovery of which he arranged for and out of the proceeds of which he fulfilled the requirements of the state. Therefore, it became the duty of Hazrat Abu Bakr to recover those dues by force from the subjects of the Islamic state who refused to render them voluntarily.

History does not mention any case of a people whose default in the

time of Hazrat Abu Bakr was confined merely to the non-payment of zakat and whom he fought. So far as we have been able to discover, those whom he fought had rebelled openly against the Islamic state. They had expelled from the territories under their control the functionaries who had been appointed by the Holy Prophet, peace be on him; those among them who adhered to Islam were massacred and they had raised froces for the purpose of fighting the Islamic state. Some of them advanced against Medina. Hazrat Abu Bakr had been left no choice but to fight them. Even if there had been any tribes whose default was limited to refusal to pay the zakat, and who called themselves Muslims, it had become necessary to fight them also as they withheld government revenues and refused to pay them.

UMM QARFAH

Our opponents cite the case of a woman apostate, Umm Qarfah, who was put to death under the authority of Hazrat Abu Bakr. In her case also, it was not a simple case of apostacy. It is recorded in Masboot, Vol. X, p. 110: Umm Qarfah had as many as thirty sons, whom she constantly exhorted to fight the Muslims. Thus she paid the penalty of treason against the state and was not punhished on account of her apostacy.

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HAZRAT ALI AND KHAWARAJ

Our opponents also try to take undue advantage of Hazrat Ali's fighting the Khawaraj; but that does not help them either. To begin with, the preponderant opinion of the divines has been that the Khawaraj were not apostates, but were a Muslim sect who had raised the standard of rebellion against Hazrat Ali. It is recorded in Fatehal Bari, Vol. XII. p. 267: Khattabi states that the Muslim divines are agreed that the Khawaraj, despite their errors, are one of the sects of Islam. Inter-marriage is lawful with them and they cannot be held to be disbelievers so long as they adhere basically to Islam. At page 268 of the same book it is recorded: Ibn Batal has said that a consensus of the divines holds that the Khawaraj are not outside Islam.

The Tafsir Kabeer of Imam Razi records at page 614 of Vol. III: An apostate is one who repudiates the Islamic law. People who opposed Hazrat Ali had not given up following the Islamic law. No one has said that Hazrat Ali fought them because they had repudiated Islam, nor did Hazrat Ali call

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them apostates.

At pages 61 and 62 of Vol. II of Minhajus Sunnah, one of the books of Sheikh Ibn Taimiyyah, it is recorded: Ashari has said that though the Khawaraj were all agreed that Hazrat Ali was a disbelivere, yet Hazrat Ali declared clearly that they were Muslims and not disbelievers or hypocrites . . . One reason for holding that the Companions did not consider the Khawaraj disbelievers is that they joined them in the salat and met them and mingled with them and addressed them as Muslims . . . The Muslims also treated them in the same way and did not consider them apostates as those against whom Hazrat Abu Bakr had fought. . . .The Companion and those who followed them did not consider them apostates nor transgressed against them in any way by word or deed, but treated them righteously with justice.

It is well established that Hazrat Ali's fighting the Khawaraj was for the purpose of suppressing rebellion and disorder and not on account of any difference of doctrine. This is clear from the following:

Hazrat Ali spoke to the leaders of the Khawaraj and undertook that the Khawaraj would not denied admission to mosques, would be given their share out of war booty and would not be fought against unless they started disorders. They left him in parties and held a caucus at Madaen. Hazrat Ali sent an emissary to them asking them to return, but they declined and they said they would not return unless he confessed that having agreed to arbitration he had become a disbeliever, and unless he repented. Thereupon Hazrat Ali sent to them a second time but they persisted in their refusal to return and were at one time inclined to put his emissary to death. In the end, they declared that whoever differed from their doctrine was a disbeliever and that it was lawful to kill him and the members of his family and to take possession of his porperty. They began to act in accordance with their declarations and stopped people who passed near them and put them to death. It so happened that Abdullah bin Khabab, who was Hazrat Ali's governor in their region, who was accompanied by a female slave who was pregnant, came upon them. They killed both of them. When Hazrat Ali was apprised of this atrocity, he advanced upon them in force and attacked them at Nahrawan (Fatehal Bari, Vol. XII, p.251).

Another account says: The Khawaraj made Abdullah bin Khabab lie down and slaughtered him, and his blood flowed into the water. Then they turned to the woman who accompanied him, and she said to them: I am

but a woman; Will you not fear God? Yet they cut her open and also killed three women of Bani Tai. They also killed Umm Sanan Saidaviah. When Hazrat Ali heard that they had killed Abdullah bin Khabab and that they stopped people and killed them, he sent Alharath bin Marrah Abadi to them to investigate and report back to him how far the report that had reached him was true. But they killed him also. When Hazrat Ali arrived at the head of his forces he demanded that they should surrender to him those who had been guilty of killing his people, but they refused and said they had all been guilty of their slaughter and that they considered it lawful to kill them and to kill Hazrat Ali and those who supported him (Tarikhal Kamel, Vol. III, p. 148).

These accounts leave no doubt that Hazrat Ali did not fight the Khawaraj on account of any doctrinal difference, but because they created disorder in the land and killed Muslim men and women and they killed the governor appointed by him and his female slave and also Hazrat Ali's emissary. When he called upon them to surrender those who had been responsible for these atrocities, they replied that they were all responsible for the killings as they considered it lawful to kill Hazrat Ali and all those who supported him.

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HAZRAT ALI AND ZINDEEQS

Our opponents also cite a case that Hazrat Ali had directed the burning alive of some of the Zindeeqs who called him god, but their authority for this statement is utterly unreliable and the horror attributed by them to Hazrat Ali cannot possibly be accepted as a fact. It is well known that the Holy Prophet, peace be on him, had forbidden anyone being tormented by fire. It is, therefore, impossible to give credence to the allegation that Hazrat Ali resorted to this horror in contravention of the express direction of the Holy Prophet. The narrator of this alleged occurrence has been condemned by everyone as utterly unreliable and given to imposture, so much so that when he died no one said funeral prayers over his dead body.

The people who called Ali god were the followers of one Abdullah bin Sabah who had been a Jew. He was the one who was at the back of the group who subsequently murdered Hazrat Usman, the third Khalifa. Hazrat Ali had exiled him to Madaen, but he and his followers continued their nefarious activities.

Thus, there is not a single instance that the immediate Successors of the

Holy Prophet put anyone to death on account of simple apostacy or on account of doctrinal differences.

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CONCLUSION

Before concluding this review of events during the lifetime of the Holy Prophet, peace be on him, and the time of his immediate Successors, it is necessary to examine one narrative that our opponents put forward in support of their thesis that apostacy is punishable with death. It is related that the Holy Prophet, peace be on him, appointed Muaz bin Jabal and Abu Musa Ashari governors of a part of the Yeman each. When they were about to leave him, he admonished them: Make things easy for people and do not put them to difficulty; talk to them cheerfully and not in a manner that might repel them. When either of them happened to be near the other during their tours of their respective territories, they would meet each other and spend some time together. On one occasion, when Hazrat Muaz came to meet Hazrat Abu Musa Ashari, he noticed a person sitting near the latter who had been secured with a rope. Hazrat Muaz inquired, who was this person. He was told that he was a Jew who had become a Muslim and had then become an apostate, whereupon Hazrat Muaz declared that he would not dismount till the person had been despatched and observed that this was the judgment of God and His Messenger.

It is obvious, however, that it has been assumed in this narrative that the man had been guilty of fighting against the Muslims along with their enemies. There are several indications in the narrative in support of this assumption. For instance, Hazrat Muaz observed that his execution was in accordance with the judgment of God Almighty and His Messenger. We have already made it quite clear that according to the Holy Quran and the Holy Prophet, peace be on him, a person can be executed only for murder or for creating disorder in the land as is said in the Holy Quran: Whoso kills a person, except for killing another or for creating disorder in the land, it shall be as if he had killed all mankind (5:33). Waging war against Allah and His Messenger is one species of disorder which attracts the penalty of death (5:34).

The practice of the Holy Prophet has also established that only such apostates were executed who had fought against the Muslims after their apostacy. Even some of them were forgiven on the intercession of some

Companion of the Holy Prophet.

It is a matter of history that the wave of apostacy, that followed the death of the Holy Prophet, peace be on him, had already started in the Yemen in the lifetime of the Holy Prophet when Muaz bin Jabal was governor of a part of the Yemen. There is thus every reason for assuming that the person whose execution is mentioned in this narrative had been guilty of taking up arms against the Muslims.

Then the admonition of the Holy Prophet to Hazrat Muaz and Hazrat Abu Musa at the time of their departure for the Yeman also makes it quite clear that the person mentioned in the narrative could not have been executed for simple apostacy, for such an event would be sure to repel people and to make them look upon Islam as a cruel religion.

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OPINIONS OF JURISTS

Our thesis that Islam imposes no secular penalty for simple apostacy having been conclusively established on the basis of the Holy Quran and the practice of the Holy Prophet, it is not necessary to have recourse to any juristic opinion on the subject. We are aware that a misunderstanding on this question arose in the minds of a certain section of the jurists on this subject. Yet it is of interest that the Hanafi jurists at the very start were firmly of the view that simple apostacy was not subject to any secular penalty.

The well known compilation Hedayah sets out: The Holy Prophet forbade the killing of women for apostacy, because the principle of punitive regulations is that in such cases the penalty should be left for the hereafter, as a penalty imposed in this life would contravene the purpose of apostacy being a trial the calling to account for which pertains to God alone. This can be departed from only when the object in view is to restrain the person concerned from continuing hostilities. As women, by their very nature, are not capable of fighting, a woman apostate cannot be punished in any case.

Another well known authority on Hanafi jurisprudence sets out: The execution of an apostate is permissible only when it is designed to restrain the apostate from continuing his aggression; it is not permissible merely on account of his reversion to disbelief, for the punishment of disbelief is severer than execution and can be imposed only by God Almighty (Fatehal Kadeer, Vol. IV, p.389).

Another authority states: There is no penalty for disbelief, because the penalty for it is severer than execution and can be imposed only by God Almighty (Chalpi's Commentary on Fatehal Kadeer, p. 388).

Again, it is said: There is no execution except in the case of fighting, for it is not permissible to execute anyone merely on the ground of disbelief (Inayah, p. 390).

The direction attributed to the Holy Prophet: Execute him who changes his faith; has been interpreted as meaning the execution of a combatant disbeliever (Fatehal Kadeer, Vol. II, p.580).

The advocates of the death penalty for apostacy claim that their thesis is supported by a unanimous concensus of the believers and that no one has ever questioned it. Their claim is utterly untrue. We have just shown that leading jurists of the Hanafi school held to the position to which we adhere, that simple apostacy is not punishable with death. It is only a fighting apostate who is subject to that penalty on account of his rebellion or treason and not on account of his apostacy. In addition there have been outstanding scholars in Islam who have upheld the view that we maintain, among them are the great figures of Hafiz Ibn Qayyum, Ibrahim Nakhai and Sufyan Thauri, the last one a great Imam of hadees.

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CAUSE OF ERROR

It is asked that if we are right in our thinking, what led some of the past divines to proclaim that mere apostacy was punishable with death? This mistake arose in the same way as the mistaken view that Islam directs the assassination of every pagan and idol-worshipper. As some people misconstrued some verse of the Holy Quran, without regard to its context, and assumed that it had reference to all pagans, and in consequence declared as many as four hundred verses of the Holy Quran as abrogated; in the same way, some divines were misled by such narratives as mentioned the execution of an apostate or some apostates, and applied them erroneously to the case of every apostate and ignored the fact that the narratives relied upon by them related to apostates who had taken up arms against the Muslims. They also ignored the fact that in earlier times an apostate immediately went and joined the enemies of the Muslims and fought along with them against the Muslims. Such a person spelt even greater danger to the Muslims than their declared enemies as he was aware of the condition and circumstances of the Muslims and could prove of great assistance to the enemy. Whenever such divines read about the execution of an apostate, they immediately concluded therefrom that apostacy was punishable with death, without inquiring into the circumstances under which, and on account of which, the apostate had been executed.

They discovered that the apostates had been fought against in the time of Hazrat Abu Bakr and Hazrat Ali, may Allah be pleased with them, and without inquiring into the circumstances which had necessitated the fighting,

erroneously concluded that every apostate was punishable with death. It is, however, fortunate that though some divines proclaimed that simple apostacy was punishable with death, several divines refused to subscribe to this view, and stated plainly that Islam had not appointed any punishment for simple apostacy or for simple disbelief and that both will be accounted for in the hereafter. In this life, according to them, an apostate is liable to execution only on account of fighting against the Muslims or of creating such disorder as is punishable with death.

To sum up: Apostacy means a plain and clear repudiation of Islam by a professing Muslim. It is only the profession or clear conduct of a person himself that makes him an apostate. Doctrinal differences, however grave, cannot be declared by anyone as constituting apostacy.

Simple apostacy, which is not aggravated by rebellion, treason or grave disorderliness, is not punishable in any manner in this life. Islam guarantees complete freedom of conscience and of belief. A disbeliever and a simple apostate stand in the same category; neither of them is liable to any penalty in this life. Were it otherwise, Islam would be accounted a faith that seeks to compel conscience, a vain and futile purpose which is impossible of achievement. Compulsion and force might make people hypocrites, but cannot make them believers.

Islam possesses the great distinction and the high merit that its scripture plainly, clearly and emphatically affirms full freedom of conscience and belief. The writer recalls that a quarter of a century ago a very learned and highly intelligent Dutch professor who taught at the University of Amsterdam told him that he had been convinced of the truth of Islam on reading in the Holy Quran: There shall be no compulsion in religion, for guidance and error have been clearly distinguished (2:257). Since then, he had continued a sincere professing and practicing Muslim.

Those who, on account of their own mistaken interpretation of certain situations in the early history of Islam, fly in the face of the clear and emphatic affirmations of the Holy Quran, and the practice of the Holy Prophet, peace be on him, in effect repel people from Islam and by their erroneous affirmations, quite unconsciously, hold Islam up to ridicule and invite the charge that Islam cannot be a true faith. By adhering to their preposterous view they render no service to Islam, but are guilty of grave disservice to the greatest of all faiths. My Allah, of His grace and mercy, enlighten their minds and rescue them from persisting in the support of a false and harmful fallacy.

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